

## ORDINANCE NO. 97-0722-1

**AN ORDINANCE TO REGULATE SMOKING WITHIN MUNICIPAL BUILDINGS WITHIN THE CITY OF HUEYTOWN, ALABAMA AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.**

**WHEREAS**, the United States Surgeon General has long warned smokers that smoking tobacco, or any other weed or plant is hazardous to their health; and

**WHEREAS**, numerous scientific studies have found that tobacco smoke is a major contributor to indoor air pollution; and

**WHEREAS**, tobacco smoking is a leading cause of fires, plus cigarette and cigar burns and ash stains on merchandise and fixtures cause economic losses to the City; and

**WHEREAS**, numerous United States Surgeons General have found that nicotine in tobacco products is as addictive as cocaine and heroin.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hueytown, Alabama, at a regular meeting, a quorum being present, as follows:

**Section 1.     *PURPOSE.***

In order to better serve public health, safety and welfare, the declared purpose of this ordinance is to prohibit the smoking of tobacco, or any weed or plant within municipal buildings in the City.

**Section 2.     *DEFINITIONS.***

For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City": The City of Hueytown, Alabama.
- (2) "Person": Any person, firm, partnership, association, corporation, company or organization of any kind.
- (3) "Smoke or Smoking": The act of burning, inhaling, exhaling or carrying any lighted tobacco product, weed, filler or plant of any kind in a cigarette, cigar or pipe or in any other device and shall include carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking equipment; or the lighting, emitting or exhaling the smoke of a pipe, cigar or cigarette of any kind.

**Section 3. ENFORCEMENT.**

The provisions of this ordinance are enforceable by any duly authorized municipal code enforcement officer, police officer or fire department official, or as otherwise directed by the Mayor or City Council.

**Section 4. VIOLATION; PENALTY.**

Any person violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished as provided for in Section 1-6 of the Code of Ordinances for the City of Hueytown, Alabama, as amended. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

**Section 5. NO-SMOKING DESIGNATION.**

(1) No person shall be permitted to smoke nor shall smoking be permitted in any of the following areas:

(a) In any building currently being utilized by or for the City.

(b) In all buildings owned, leased or under the control of the City.

**Section 6. NUISANCE.**

Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the City may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, a temporary injunction and permanent injunction.

**Section 7. MISCELLANEOUS.**

(a) *Construction with Other Laws.* Nothing in this ordinance excuses noncompliance with any state, federal or local law or any rule or regulation which prohibits smoking.

(b) *Validity or Constitutionality.* If any portion of this ordinance shall be held unconstitutional, invalid, or unenforceable, such holdings shall not affect the remaining portions nor render the remaining portions invalid, and to that end the provisions hereof are declared to be severable.

**Section 8. ORDINANCES REPEALED.**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.


Section 9. **EFFECTIVE DATE.**

That this ordinance shall become effective immediately upon its passage and approval by the City Council and Mayor of the City of Hueytown, Alabama, or its otherwise becoming a law.

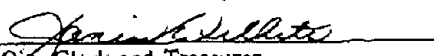
ADOPTED this the 12th day of August, 1997.

  
President of the City Council

APPROVED this the 12th day of August, 1997.

  
Mayor

**ATTEST:**

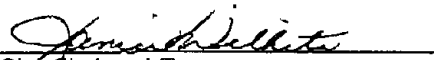
  
City Clerk and Treasurer

**CERTIFICATION**

I, Janice Wilhite, City Clerk of the City of Hueytown, Alabama, hereby certify the above to be a true and correct copy of Ordinance No. 97-0722-1 adopted by the City Council of the City of Hueytown, Alabama, at its regular meeting held on July \_\_, 1997, as same appears in the minutes of record of said meeting, and was thereby published by posting of same in each of the following public places, all of which are located within the corporate limits of the City of Hueytown, Alabama:

1. Hueytown City Hall
2. Highlander Food Center;
3. Food Giant Grocery;
4. Hueytown Post Office.

Signed this 12th day of August, 1997.

  
City Clerk and Treasurer